

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

MAR 04 2010

Stephan Harris, Clerk
Cheyenne

United States District Court
for the District of Wyoming

| | | |
|----------------------------------|---|---------------------|
| JERAMIE JOHN LARGE, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 10-CV-21-B |
| |) | |
| |) | |
| JOSEPH D. TORCZON, Park |) | |
| County Detention Center |) | |
| Deputy, <i>in his individual</i> |) | |
| <i>and official capacity,</i> |) | |
| |) | |
| Defendant. |) | |

ORDER DISMISSING CIVIL RIGHTS COMPLAINT

The above-entitled matter came before the Court upon a prisoner civil rights complaint. Mr. Large raises two excessive force claims. The Court has reviewed the complaint, and being fully advised, finds that the action should be DISMISSED, without prejudice for failure to exhaust.

The Prison Litigation Reform Act of 1995 (PLRA), 42 U.S.C. § 1997(e)(a) requires a prisoner to properly exhaust administrative remedies before an action may be brought with respect to prison conditions. In his complaint, Mr. Large states that as to each claim, he filed both informal and formal grievances and has

appealed these grievances. Further, he indicates that at this time, his appeals are under investigation. (Complaint at 6.) Because these appeals are pending and under investigation, and a favorable disposition could render the instant complaint moot, the Court finds that Mr. Large's complaint should be dismissed because he has failed to exhaust his administrative remedies. *See Jones v. Bock*, 549 U.S. 199, 215 (2007).

NOW, THEREFORE, IT IS HEREBY ORDERED that Mr. Large's civil rights complaint should be DISMISSED without prejudice. It is

FURTHER ORDERED that all pending motions should be DENIED as MOOT.

Dated this 4th day of March, 2010.


UNITED STATES DISTRICT JUDGE